

## REMARKS

The Applicant first wishes to thank the Examiner for the telephonic interview of March 1, 2010 concerning the above-identified application. At the interview, proposed claim amendments similar to the amendments made above were presented. It should be noted that amended claims 74 and 99-101 correspond to the proposed claim from the interview. At the interview, the proposed amendment was discussed in view of the cited references, in particular U.S. Patent No. 6,847,837 to Melzer et al. The substantive remarks presented at the interview have been again provided below. In view of the following remarks, reconsideration and further examination of the present application are respectfully requested.

**A. Rejection of claims 74 and 99-101 under 37 USC 103(a) as being unpatentable over Chevillon et al. (U.S. Patent 5,968,071) in view of Tsukernik (U.S. Patent 6,558,404) and Melzer et al. (U.S. Patent 6,847,837).**

The Advisory Action concedes that the combination of the Chevillon, Tsukernik and Melzer '837 references fails to articulate a method for forming a vessel filter to act as a capacitor without the need for individually-added annular capacitors. The Advisory Action goes on state that while the present claim language does not specify how the capacitance is achieved, an amendment to clearly state the alternative technique of the present disclosure for achieving the capacitance would likely overcome the present rejections.

As discussed during the interview, independent claims 74 and 99-101 have been accordingly amended for clarification to include the phrase "wherein a capacitance is thereby created by said first end, said nonconductive dielectric, and said second end" of the conductor. Applicants further submit that the cited references, even in combination, disclose a vessel filter which has separate mechanical and electrical elements. Because the cited references fail to disclose a vessel filter in which the filtering elements themselves are configured to create a

capacitance by properly attaching the ends of a conductor to a dielectric to form a series resonant circuit, applicants respectfully submit that amended claims 74 and 99-101 are in condition for allowance.

Applicants further submit that claims 75-98 depend from claim 74 and are therefore allowable at least to the extent that claim 74 is allowable. With regard to the rejection of claim 75 under § 103(a) based on the combination of Chevillon, Tsukernik and Melzer '837, and further in view of Dubrul et al. (U.S. Patent 6,238,412), Applicants note that Dubrul does not disclose a capacitance and inductance which form a resonant circuit. In addition, Dubrul does not disclose that the "braid" coating (insulation) of Dubrul may be adapted to regulate capacitance in order to fine tune a resonant circuit. Therefore, a person of ordinary skill in the art would not be motivated to combine the teaching of Melzer, Chevillon, Tsukernik and Dubrul and such combination would not produce a tomograph-tuned resonant circuit element that solely performs the filtering function. Applicants therefore further submit that dependent claims 75-98 are in condition for allowance.

## CONCLUSION

In conclusion, it is respectfully requested that the present application be reconsidered and further examined in light of the above remarks.

It should be understood that the above remarks are not intended to provide an exhaustive basis for patentability or concede the basis for the rejections in the Office Action but are simply provided to overcome the rejections made in the Office Action in the most expedient fashion.

In view of the above remarks, it is respectfully submitted that the present application is in condition for allowance and an early notice of allowance is earnestly solicited. If after reviewing this amendment the examiner feels that any issues remain which must be resolved before the application can be passed to issue, the examiner is invited to contact the applicants' undersigned representative by telephone to resolve such issues.

Respectfully submitted,

By

  
Troy J. Cole, Reg. No. 35102  
Woodard, Emhardt, Moriarty, McNett & Henry LLP  
111 Monument Circle, Suite 3700  
Indianapolis, Indiana 46204-5137  
(317) 634-3456